



U.S. Department of Justice

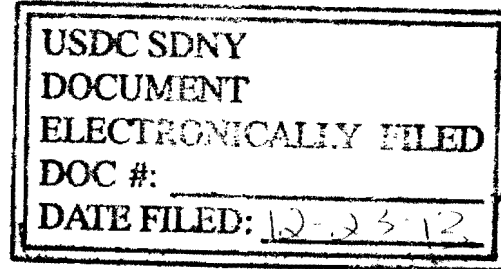
United States Attorney
Southern District of New York

86 Chambers Street, 3rd floor
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December 16, 2013

BY ECF

The Honorable Loretta A. Preska
Chief Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: United States v. L Capital Partners SBIC, L.P., No. 12-cv-0937 (LAP)

Dear Judge Preska:

This Office represents Plaintiff the United States (the "Government"), on behalf of its agency the United States Small Business Administration ("SBA"), in the above-referenced matter. The SBA is the court-appointed Receiver ("Receiver") of Defendant L Capital Partners SBIC, L.P. ("L Capital"). See Dkt. No. 14. On behalf of the Receiver, I respectfully request that the pre-motion conference required under Your Honor's Individual Rule of Practice 2(A) be waived so that Plaintiff may move this Court for an order lifting the judicial stay against civil proceedings involving L Capital and its assets imposed by this Court's April 19, 2012 Order appointing the Receiver. The anticipated motion will contain a request that the stay be lifted so that one of L Capital's portfolio concerns, Simperal Inc., can file a lawsuit alleging, among other things, copyright infringement, trade secret misappropriation, and unfair competition. Simperal has informed the Receiver that its intellectual property was published on the internet by a former director. Therefore, Simperal has urged the Receiver that time is of the essence for the filing of its suit.

The intended motion is ministerial in nature and does not seek adjudication of disputed legal issues. Counsel who have appeared so far have no objection to the filing of the motion. For these reasons, the Receiver requests waiver of the pre-motion conference. In the alternative, if the Court nevertheless wishes to conduct a pre-motion conference, we request that it be scheduled promptly given the time-sensitive nature of the issue involved, and, if acceptable to the Court, be conducted telephonically for the convenience of the Washington-based Receiver. (We note, however, that the Court has previously waived the pre-motion conference in this case at the Receiver's request. See Dkt. Nos. 17, 21, 29, 31.)

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Loretta A. Preska

LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

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Thank you for your consideration of this matter.

Respectfully,

PREET BHARARA
United States Attorney

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